

No. 44810

IN THE  
SUPREME COURT OF DELAWARE  
1952 TERM

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FILED

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HAROLD B. WILLEY, Clerk

FRANCIS B. GEBHART, et al.,  
*Appellants,*  
vs.

ETHEL LOUISE BELTON, an Infant, by her Guard-  
ian ad Litem, Ethel Belton, et al.,  
*Appellees.*

No. 15

FRANCIS B. GEBHART, et al.,  
*Appellants,*  
vs.

SHIRLEY BARBARA BULAH, an Infant, by her Guard-  
ian ad Litem, Sarah Bulah, et al.,  
*Appellees.*

No. 16

ETHEL LOUISE BELTON, an Infant, by her Guard-  
ian ad Litem, Ethel Belton, et al.,  
*Plaintiffs-Appellants,*  
vs.

No. 17

FRANCIS B. GEBHART, et al.,  
*Defendants-Appellees.*

SHIRLEY BARBARA BULAH, an Infant, by her Guard-  
ian ad Litem, Sarah Bulah, et al.,  
*Plaintiffs-Appellants,*  
vs.

No. 18

FRANCIS B. GEBHART, et al.,  
*Defendants-Appellees.*

APPENDIX OF APPELLEES (PLAINTIFFS BELOW)  
AND PLAINTIFFS-APPELLANTS

On Appeal from the Court of Chancery, New Castle County

LOUIS L. REDDING  
JACK GREENBERG

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and Plaintiffs-Appellants.*



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*Stephen J. Wright—For Plaintiffs—Cross.*

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indicates, because an average is not a measure of distribution. Therefore, you cannot have a complete picture of how big those classes are. I would go so far as to say that whenever there are large classes such as those I have described, particularly with reference to physical education, I do not believe a reasonable opportunity for physical education can exist.

Q. Would you say that the classes in Howard High as compared with classes in Claymont High were overcrowded? A. In Howard High were overcrowded?

Q. Yes. A. I would say yes.

Q. They were overcrowded? A. In some instances very much overcrowded.

Q. You are stating that upon the basis of comparison with [101] the classes in Claymont? A. I am stating it both as a fact, an objective fact, first, and then, secondarily, on the basis of a proportional figure. For example, any class that has more than 80 pupils, as an objective fact is a crowded situation.

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[109] FREDRIC WERTHAM, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

*Direct examination by Mr. Greenberg.*

Q. Dr. Wertham, will you state your full name for the record? A. Dr. Fredric Wertham.

Q. Dr. Wertham, you are certified as a specialist in both neurology and psychiatry by the American Board of Psychiatry and Neurology? A. Yes, and I have also been examiner on that board to certify other specialists in neurology and psychiatry.

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Q. Are you at present director of the mental hygiene [110] clinic, Queens General Hospital, New York City? A. Yes, I am.



Q. And you are director of the LaFargue Clinic in Harlem, New York City? A. Yes, I am.

Q. And you are a director of the Readjustment Center of the Quaker Emergency Service in New York City, functioning under the Magistrates Court? A. Yes, I am.

Q. Doctor, you are consulting psychiatrist, Triboro Hospital, New York City? A. Yes.

Q. You are psychiatric consultant and lecturer for the Juvenile Aid Bureau of the New York City Police Department, which is the largest and most important agency dealing with juvenile delinquency in New York and probably in the country? A. That's correct.

209 Q. You have been senior psychiatrist, Department of Hospitals, New York City, since 1932? A. Yes.

Q. In 1932 you organized and became director of the psychiatric clinic of the Court of General Sessions, the first clinic of its kind in the United States, where all convicted [111] felons got a psychiatric examination which was reported to the court? A. Yes.

Q. Between 1933 and 1936 you were in charge of the alcoholic ward in Bellevue Hospital, of the children's ward in Bellevue Hospital, and of the prison ward in Bellevue Hospital? A. Yes. I would like to say that the prison ward is the place where all the prisoners whose sanity was doubted were sent for observation and the report was made to the Court.

210 Q. You were from 1936 to 1939 director of the mental hygiene clinic of Bellevue Hospital? A. Yes.

Q. In 1929 you were awarded a fellowship by the National Research Council in Washington, D. C., for research in neuropsychiatry? A. That's correct.

Q. From 1922 to 1929 you were psychiatrist at Phipps Psychiatric Clinic, Johns Hopkins Hospital? A. Yes, I was.

Q. You were for several years chief resident in psychiatry there and then assistant in charge of the mental hygiene clinic? [112] A. Yes, I was.



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*Fredric Wertham—For Plaintiffs—Direct.*

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Q. During this same period you taught psychiatry, psychotherapy and brain anatomy at Johns Hopkins Medical School with the rank of Associate in Psychiatry? A. Yes.

Q. You did postgraduate studies in psychiatry in London, Paris, Vienna and Munich? A. Yes, psychiatry and neurology.

Q. You have been invited to read scientific papers before the Societe Medico-Psychologique in Paris, before the German Research Institute in Psychiatry, financed by the Rockefeller Foundation, in Munich?

\* \* \* \* \*

[113] Q. You belong to the American Neurological Association, the American Psychiatric Association, the American Association of Neuropathologists? A. Yes.

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Q. As a matter of fact you are the only individual psychiatrist employed by the City of New York who belongs to all three? A. Yes.

Q. You are president of the Association for the Advancement of Psychotherapy, a national organization? A. I have been from 1942 to 1951.

Q. And you are co-editor of the *American Journal of Psychotherapy*? A. Yes.

Q. You are a member of the Committee on Ethics of the American Academy of Neurology? A. Yes.

Q. You have written many papers and a number of [114] monographs and books, among them *The Brain as an Organ*, published by Macmillan in 1934, used as a textbook in brain pathology laboratories all over the world? A. Neuropathology.

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Q. And *Dark Legend, A Study in Murder*, published in New York in 1941 and in London in 1948? A. Yes, that is the study of an adolescent.

Q. And *The Show of Violence*, published by Doubleday in 1949? A. Yes. That is also a book dealing with what you might call psychiatric criminology.



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*Fredric Wertham—For Plaintiffs—Direct.*

Q. Have you done research on the subject of psychiatry and criminology, including a psychiatric disorder which you discovered, namely, the catathymic crisis, which are embodied in the leading textbooks of psychiatry? A. I have.

Q. For example, in William A. White's *Outlines of Psychiatry*, Henderson and Gillespie's *Textbook of Psychiatry*, Oxford University Press, 1940, and later editions, Henderson, D. K., *Psychopathic States*, New York? A. Yes.

Q. Dr. Wertham, you were psychiatric consultant to the Special Senate Committee to Investigate Organized Crime, [115] known as the Kefauver Committee? A. Yes, I have.

215 Q. Have you written on the effect of children's literature for the National Parent-Teacher Magazine? A. Yes, I have written a paper for the National Parent-Teacher Association on the psychological effects of certain children's literature and that article has been used as a study course in different National Parent-Teacher Associations all over the United States.

Q. Dr. Wertham, you gave information, I believe in affidavit form, to the Los Angeles County upon which they based certain statutes that were thereafter passed. Isn't that correct? A. Yes.

Q. Doctor, have you had occasion to examine school children from the State of Delaware? A. Yes, I have.

Q. Under what circumstances? A. I have examined them in New York at the Lafargue Clinic.

216 Q. Would you please explain what the Lafargue Clinic is? A. The Lafargue Clinic is a mental hygiene clinic which [116] I organized in 1946, which is for people who cannot afford to go to a private psychiatrist, either children or adults. It is a clinic unendowed. I have thirty very well-trained psychologists, psychiatrists, social workers, teachers and probation officers working with me without compensation, and we meet two evenings a week, and as a matter



of fact when I am testifying here today I am testifying as a representative of that clinic.

In this clinic we have examined a group of children from the State of Delaware, children who were selected at random by the Education Committee of the Wilmington branch of the NAACP. It was a small group of Negro children and a small group of non-Negro children.

Q. What type of examination did you give these children, Dr. Wertham? A. We examined these children as if they had come to us either referred by a doctor or referred by another agency, or as if they had come by themselves, just as any other case, except that I personally paid a little more attention to them.

We examined them by individual interviews, we examined all of them in group interviews, and we gave them a number of standard tests. That was about all.

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Q. I see. Now, Dr. Wertham, on the basis of your experience and learning which we have gone over in the last few [117] moments, and on the basis of the examination which you gave these children, I would like to pose a hypothetical question to you which I would like you to answer to the Court.

\* \* \* \* \*

[119] Q. Assuming that there is a system of segregated schools in the State of Delaware and that a Negro child attends a school for Negroes only and that white children attend schools [120] for white children only. Assuming all other factors to be equal, does the Negro child suffer because of the fact that he is sent to a segregated school? A. I have formed an opinion, I think, yes.

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Q. What is your opinion? A. That he does suffer.

Q. Would you give us the reasons for that opinion? A. Well, your Honor, to give the reasons for this opinion I would like to outline what factors in general can have a bad effect on children. If it is permitted that I start from this general scheme, I think this would be clearer.



The Court: Yes, of course.

The Witness: I should like also to have permission to refresh my memory here and there from some notes I have made, in order to facilitate the proceedings.

I would ask the question generally: What can injure a child? What factors in general have we found out, we who have had experience with all kinds of children—what factors in the life of these children can have a harmful effect on them?

I would say that one can state that there are really only three categories of injurious factors that enter into a child's life.

[121] The first ones are personal factors, by which I mean all those emotional experiences that come to a child from within his family, from his own father or mother, from brothers and sisters, in very early life.

I would then say that secondly there are factors which I call infra-personal factors. By and large that corresponds to physical factors—if a child is born with a spastic paralysis, or a defect of his brain, or with some other physical handicap, that also has an effect on his life.

And thirdly, the third group of factors I would call or have called supra-personal factors. They are identical with what we speak of as social factors. They have very little to do with the personality of the individual child.

For example, the factor of war we know affects the children of the whole group and of the whole community, some more and some less, but still they are supra-personal factors which can only be understood according to social and historical laws. The same is true of an economic depression. All those who study, for instance, juvenile delinquency know that those supra-personal factors have an effect, and one can



make a statement about a whole group of children through them.

Speaking again in general, and not on this case at all, we have found that one of the most important factors [122] impinging on a child's life in this third group of supra-personal factors is all kinds of minority problems, race prejudice, discriminations, and all the various factors that would be assumed under that.

Now, the factors that cause injury in the mental life of a child do not operate in a simple way. They are not as simple as a billiard ball. You hit the ball a certain way and you know exactly—if you know billiards—what the position of the next ball will be. The causal factors in mental life work in a more complicated way.

Some of these factors cause the disturbance itself, and we call those pathogenic factors. Others don't cause the disturbance, but they form it. They give it whatever form it has. The form it takes is determined by these other factors, and we call those pathoplastic factors.

Other factors don't do either, but they precipitate the disturbance. There may be a totally different cause, but something is the straw on the camel's back which breaks his back, which precipitates the disturbance.

That I would say in general is the background on which I would classify the injurious factors in a person's life. I would like to give one example to make that very clear.

In every school there are children who can't read, [123] who can't learn to read, despite the fact that the teachers are all right. Formerly one assumed that that came purely from a defect in the brain, and in some children it does. As our studies progress we learn that there are emotional factors involved, that sometimes children don't like to go to school, to go



away from their mothers, or have some emotional upset. The first would be an infra-personal factor, the brain. The second would be the personal factor and emotional life of the child. I believe I have learned that a third factor, the supra-personal factor, has to be what we give the children to read, what goes on in general in the educational process of this child. All kinds of social factors have an effect on the reading ability of these children, too. While these factors overlap, definitely it is the function of the doctor to separate them and find out which ones one can remove so as to minimize the injurious factors.

Now, if I look at the question of segregation in public and high schools in general and in the State of Delaware in particular, I would say that according to my opinion and my experiences and my studies this is a public health problem. I mean by that, that the fact of segregation is injurious to the mental health of the children affected, and for that reason it is a general public health problem.

[124] In other words, it is my opinion that the State, as stated, injures the child's health, and I have come here prepared to prove this thesis. I am basing it partly on a positive concept of mental health, by which I mean that it isn't enough to look at the child and to say, "This little girl doesn't have nightmares, she gets by in school, she doesn't annoy anyone at home, she isn't a juvenile delinquent"—that is not enough. I hold the scientific opinion that if a rosebush should produce twelve roses and if only one rose grows, it is not a healthy rosebush. It is up to us to find out what is interfering with its growth and with its health.

Now, the fact of segregation in public and high school creates in the mind of the child an unsolvable conflict, an unsolvable emotional conflict, and I would say an inevitable conflict—it is inevitable that it cause such



a conflict. This conflict is, in the child's mind, what a foreign body is in the child's body. I want to admit right off that not necessarily does such a foreign body cause symptoms which anyone can see when he looks.

I have seen patients, and I have one particularly in mind who had a bullet in his brain which we found by X-ray, who when given all the neurological and psychiatric tests you could mention showed no symptoms, and there were no symptoms [125] over a period of years. But I mention this to show that at this time this person is potentially ill even though he may die before this illness breaks out, from some other illness.

I see as one of the most serious aspects of this interference with mental health the fact that the children cannot discuss this conflict with the parents. We have found this over and over again.

Your Honor, I want to ask, am I too long in this? I don't know, and I don't want to be affecting any—

Mr. Greenberg: No, you go right ahead, Doctor.

The Witness: If I am too long, I—

Mr. Greenberg: Go right ahead.

The Witness: When children have other conflicts—most of them, anyhow—they can go to their father or mother and discuss them and gain help, but inevitably the child who has this conflict and who would ask his father or mother finds out or guesses beforehand that his father and mother are emotionally insecure in this very same area anyway. I would say that this conflict of segregation, therefore, is similar to the conflict that a very young child has about sex. That is also very difficult to discuss with his parents, but it is easier to discuss than this other problem, because there are many men and women who are mature enough to be able to discuss [126] that with their children. But this race problem is so difficult and creates such insecurity even in mature people that either their children don't



dare to ask their parents or don't want to ask, and if they do ask would get the same evasive answers they would get to an inquiry of "Where do babies come from?" because their parents have to tell them fairy tales.

Now, what do children do when they suffer from this unsolvable emotional conflict, which in itself is a symptom of illness? They make attempts to overcome it, and for a psychiatrist it is really by these very attempts that we know it exists.

That is so with many other conditions too. That is demonstrated physically in the person who has T.B., who coughs. His body makes an effort to get over it. Or he has a fever, and that is, too, an attempt of the body to get over it. And that is how it is with these children.

I would say here that we do not know at what time the children become aware of this fact. I don't think that all children at six know that segregation goes on in school—they don't know that. And I found out from these children in Delaware that some of them said, "We didn't find out until we were thirteen years old." And some of them said, "We found it out at six."

[127] Of course, we don't know when it begins to affect them unconsciously, but it is known generally by some earlier and some later. It depends upon a number of accidental causes.

One way to overcome such a conflict is to have a realistic rationalization about it, but a really realistic understanding of why it is that one group of children to which one belongs is excluded and another group of children to which one does not belong is included—I have found, and am merely stating my opinion—I have found that the children cannot find such a realistic rationalization for the simple reason that the adults



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*Fredric Wertham—For Plaintiffs—Direct.*

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don't give it to them and for the reason that the State itself, to the extent that I have searched for it and they have searched for it, cannot give an understandable explanation.

So we place on these children a burden which we don't take ourselves ordinarily, and they cannot solve it.

The next mechanism is what children do, by and large, when they are involved in an emotional conflict—and I may add here that an emotional conflict is something you like to overcome—the next mechanism is repression.

They say, "Look, let's go to school and have a good time. What difference does it make?"

I should like to say that for these children that [128] solution is absolutely impossible for the simple reason that it comes up again and again—for example by a subject taught in one school and not the other, and by various factors connected with the school itself.

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I would like at this moment to say that the school situation in itself, the school, is not perhaps such a simple thing as one generally thinks—that it is a building where people go to learn something, and then go out again. I have come to the conclusion in my work with children, and I want to add each time that I find it confirmed with this particular group of children, that the school is a combination, an entity which is composed of the physical plant, the skill of the teacher, the presentation of the subject, and the reactions of the pupils. These components form one entity, and they influence each other.

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There are many methods the children employ unconsciously to get over this conflict, and one of them is what we call overcompensation. They try to excel in one field or another to get over this unpleasant thing, or for example they try a complete identification with the non-Negro group in all kinds of ways, consciously



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and unconsciously. That leads the individual sooner or later to some kind of frustration because in reality it is not obtainable, and you can only obtain [129] it in fantasy or in certain other areas, but unavoidably in any reasonably successful life a moment comes when this breaks down. In other words, I think these children, when I express what they feel, feel stigmatized, and at the same time they are unable to overcome the stigma. What they are most trying to get is a correct image of human relationships in their daily life, and they are confronted in a very important part of their life, namely in their school life which for most children is the first part of social life, with a distorted image of human relationships, because an artificial and very strict barrier is set up which they don't understand, and this restricts their human relations which they have as a guidance for all other types of human relationships in which we expect them and want them to be—I won't say "successful", but in which we want them to be healthy.

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Now to come to the Delaware children with whom we discussed these things in general, they have described to us all kinds of physical differences in the Negro schools and the white schools. They described differences, and I am merely repeating what they say, and I should like to say that I have had no chance whatsoever to check that up personally, I know nothing about it, but I have the impression as a psychiatrist and doctor that what these children told us is true, because [130] they didn't come to us to plead for anything. In fact they didn't. They came to us and answered questions to fulfill the task that we—a whole group of us—doctors, social workers, psychologists, stenographers, and so on—placed on them.

For example, a great impression is made on them by the long travel they have to go to school. One de-



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*Fredric Wertham—For Plaintiffs—Direct.*

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scribes that he has to go eleven miles to school and eleven back again, whereas the school to which he could go if he could go to it would be relatively near or very near.

They have described all kinds of minor tragedies; for instance, if you are late for the bus you have to miss school or pay for the public bus or miss a test and are in Dutch.

During the winter, one little girl told us that altogether she loses in the winter on account of heavy snow two weeks of school. To some children that might not be very important because they don't want to go to school, and to others it would be tragedy because they do want to go to school.

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They have told us that some classes are held in churches because there is no room, and so on.

They have told us that when they have to go on the bus—it is my understanding from them that there are some buses that are "white"—they have described this, that when [131] they have to wait, then white children sometimes stick their tongues out at them and call them crazy, and so on.

I mention that merely to demonstrate that we have tried to see from the child's point of view. I, as a doctor, don't see it from that point of view. I have come to the conclusion that the physical differences in these schools are not at all really material, to my opinion. In other words, if I may express it graphically, if the State of Delaware would employ Professor Einstein to teach Physics in marble halls to these children, I would still say everything I have said goes: It is the fact of segregation in general and the problems that come out of it that to my mind is anti-educational, by which I mean that education in the larger sense is interfered with. And since for a child education is one part of mental health and not merely

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a question of learning something, their health is interfered with.

Now, what is the nature, what are the manifestations, and what are the factors of this emotional conflict that these children have?

We have found that adults very often say, "How can I control this child?" I mean, you read about that when you read about juvenile delinquency. But actually I think children have a very deep seated need for guidance, and I mean guidance that [132] they can depend upon, and I might even say that they have a longing for authority that they can have confidence in. I do not only say that it is so, but that is the normal attitude for a normal child to take. If you have an emotional conflict about the very source of authority, namely, the State, then this particular part of mental growth is endangered, interfered with, or even jeopardized. I have further found that the fact of segregation is what I call an anxiety-producing factor.

In other words, it is not that these children are afraid of something. Fear is a state in which you are afraid of one specific thing. Anxiety is a vague kind of fear where you don't know exactly what you are afraid of. I find that this anxiety is produced in these children.

I would like to give one example—I have many more—from one of these Negro children from Delaware, who said to us, "Now, supposing we can go to a non-segregated school, to a mixed school, and it is too difficult for me—can I go back to the other school?" Now, it may not be entirely right from the lawyer's point of view if I give this example, but I think it is a very good example because the children are afraid of all kinds of things because of segregation, and that is what anxiety is and what neurotic anxiety is.

Now, close to this anxiety-producing factor is the [133] other factor that anyone who has such anxiety



wants to overcome it; it is very unpleasant if you have anxiety. And what do we do—children and adults, for that matter? We use defenses against that. We try to overcome the anxiety. We mobilize our emotional resources against this unpleasantness. We may take a drink, or think something else is very good, or excel in sports, or do something else to overcome this anxiety. Now, the State interferes with the way in which children can use any defenses they have, because the State itself is doing something wrong. It interferes with the defenses that a child may have.

It does so in this way. In order to become a happy human being, be a healthy human being, we have to identify ourselves with someone. We learn morality and ethics, and if I may say so style of life, by identifying ourselves with superior figures—our father, our mother, our superiors, authority, the authority-figures in general. That is absolutely necessary for the normal growth of the personality. No one can be ethical, no one can be healthy, who does not go through this kind of process that we know of. It is also necessary to assimilate the achievements of mankind. If we tell a child the world is divided, some go to a school and some do not go to this school, we create a difficulty for the child because [134] the child longs for some kind of authority and we have thrown doubt in the child's mind not only about the authority itself but the attitude which the authority takes to this particular child.

I may say: What is the attitude of these children about school segregation? Most of the children we have examined interpret segregation in one way and only one way, and that is they interpret it as punishment. There is no doubt about that. Now, whether that is true, whether the State of Delaware wants to punish these children, has nothing to do with it. I am only testifying about what is in the minds of children.



They think they are being punished, and for something which is not explained to them, and certainly not for something that they have done. They may or may not feel that they are unjustly punished. Even if they think they are being justly punished, it interferes with their identification with the punishing model, with the model of ethics, which is one of the factors necessary for a healthy life.

Another manifestation of this conflict which is equally serious in my opinion is that they suffer from what I call a social disorientation. I had learned this from other studies long before, but I must admit that I learned a lot from these children with regard to that. In the group, when I [135] had the whole group in the office at the clinic with a psychologist and other people present, one of the children talked about discrimination in relation to school, and said, "It is only the plain Americans that do that." Now I am giving you what these children think, and then I didn't know what the child meant. He was an intelligent child, and I said, "Who are the plain Americans?"

And he said, "Those are the plain white Americans."

I really didn't quite get it, and the other people didn't quite get it either, so we asked, "Who are the other people?"

And then they told us about the "other people". Now, the other people are the Poles, the Italians, the Jews, the Catholics, the Dutch, and the Germans. Mind you, in these children's minds—they all spoke up about that. They all agreed with this child. The "foreigners" treated them well, or better anyway. The Catholics let them go to their schools, the Italians let them go to their restaurants, and whatever the other people did.

I will give you my interpretation of this as a doctor. What a division this creates! And while they told us that these not plain people have been better to them—



in relation, incidentally, also to the school situation—what a soil for propaganda [136] there is in these children, because any demagogue may come and turn it around and say “None of these are good”, once they have made this terrific division—once they don’t see what is a human being and what is not a human being, in their minds.

In relation to that all kinds of negative emotions are elicited. They compare all these different groups, although they don’t know enough, anyhow, about these groups or what they are, and as a result they suffer from a general ethical insecurity.

They read and hear and learn professed ethics; that these groups are not so terribly important anyhow, there are important things above them; and then they see the reality that these groups affect their daily life so directly, and they get the feeling that, never mind what they do, they are being rejected by the “plain Americans” anyway—in quotes. That is their expression. That interferes with their self-realization, and it leads to an estrangement of the child and what we call the authority-figure. After all, the father is the authority-figure, and the teacher, the policeman, the clergyman—and these children get a doubt about that because after all above all of them is the State.

I might say I asked one of the children in the group, “Who forbids you to go to these schools?”

[137] And I quote—the child says “The State.”

And I said, “Who is the State?”

And the boy said, “The State is the Government.”

And I said, “Why does the Government forbid it?”

And he said, “That I don’t know.”

Now I am interpreting that as a scientist. We see the doubt, the difficulty. I won’t even discuss the unpleasantness, but we see the germ of emotional in-



stability and illness in this child's mind by this factor of segregation.

Now, that, of course, interferes with the spontaneity of these children in their general life, and I hold the opinion from the professional point of view that spontaneity is what the children need. These children don't think they can do what a healthy person does. These children are already unable in this very sensitive area to react spontaneously. They divide people up. Of course it interferes with the psychological need of belonging to a group.

Now, of course these facts that I have mentioned are not caused only by the school segregation, but the school segregation is important, of paramount importance, for a number of reasons.

In the first place, it is absolutely clear cut. If [138] a race is excluded from a drug store or a restaurant, and can't eat there, can't sit down at the counter, he still can get a sandwich, buy it and go out—and I go by the description of these children to me either of the community of Newark, or Wilmington, or New Castle, or Claymont, or the vicinity from which they come. In the school situation it is absolute: You either get in or don't get in.

Secondly, the State does it. It is totally different whether it is a drug store owner who does or doesn't do it—the next drug store owner might let them in. But here not only does the State do it, but the children understand that it does it by law, and we want to teach them not only to obey the law, but that law is part of social living.

Thirdly, it is not just the discrimination—it is discrimination of very long duration, it is continuous, it is not just Monday or Tuesday, or once when you want to go to a drug store, but it is always so, a part of your absolute daily life, and it is there daily when you get



up. That doesn't mean it is conscious to you every day; I don't mean to imply that.

Fourth, it is bound up with the whole educational process, which I consider part of the mental health of the child. It hits the child at two very important moments in his life.

[139] Going to school is the moment where a child steps forward from the family life, the more or less sheltered family life, more or less emotionally sheltered family life, and makes contact with the social group in general. There are two particularly important ages for a child in that respect, and one is the age of six, or whenever he starts to school, whenever he goes to school for the first time. The second period is adolescence. 260

I should like to say that we usually think of adolescence as the period where the sex instinct begins, and that is why it is so difficult. But I don't think our modern researches bear that out. Adolescence is difficult because that is the first time the person must find a social group for himself. That is when they are really confronted with this task. That is the time in high school when the State injures this child, and if I interpret what goes on in the child's mind, I would say that they know that outside of school individuals practice discrimination and segregation against them, but in this instance—and I have no hesitation in expressing it so—in this instance the State identifies itself with its most bigoted citizens. In some way or other the children feel the impact of this authority in their emotional life. 261

The conflict that exists with regard to segregation [140] in school can only be understood psychiatrically in its social context. In other words, if there were no other manifestations of discrimination in a society, the school segregation would have a totally different sig-



nificance emotionally for the child, but as it is these children are filled with all kinds of feelings about discrimination that they find in other places, and I don't have to enumerate those—restaurants, movies, drug stores. But because I consider it important for the argument that I am trying to substantiate, namely the question that this is a public health problem, I would like to illustrate that by saying that the children are indoctrinated with race hatred in other places, and that that brings the school segregation which is sanctioned by the State to such focus with them, and if the lawyers permit me or if your Honor permits me to introduce something which I think is germane to my argument, one of the non Negro boys, a fourteen year old boy who came to the clinic to be examined with these other children, had a comic book with him—I am speaking now about the background of what goes on in these children's minds, and after all what goes on in the white child's mind is only the reverse of what is going on in the other child's mind. It is very closely connected, in my opinion, and in some cases it is identical, and I shall come to that later.

[141] This particular boy had a comic book with him, and I asked him to show it to me, and it was filled with race hatred, as are millions of other comic books, and I am sure it is the same in Delaware as it is in New York. In fact, he had bought this book in Delaware to bring to read on the train.

I would like to show a picture which shows a cage up in a tree, and there are colored people in there, clearly understood by these children as being Negroes, and it says, quote:

"Helpless natives left to starve or to be prey to any prowling beast."

There is a white girl underneath looking upward (indicating).



Can I show this to you?

The Court: You will have to introduce it through your counsel.

Mr. Greenberg: May I introduce this in evidence? It is a photostat of a comic book from one of the children whom Dr. Wertham examined.

The Witness: And this one is a close-up (indicating). And in this one there are Negroes tied to a tree and being beaten.

Mr. Greenberg: It is part of a comic book which a [142] child from Wilmington brought up to Dr. Wertham when he examined him.

Mr. Young: Have you the comic book from which those blown-ups came? 266

The Witness: Yes, I have the comic book from which the blown-ups came, which this boy had. But you don't see this easily unless it is pointed out, and that is why I had the photostats made.

Mr. Young: Will you point it out?

The Witness: That is this one here—"Helpless natives \* \* \*"—this is the close-up (indicating). The Negroes absolutely clear. This is a close-up of the—

Mr. Young: You just have another?

The Witness: This is the close-up of the Negroes tied to a tree, and the blonde girl there, you know, showing off.

Mr. Young: Yes, with the book.

Mr. Greenberg: With the book he will have no objection. 267

The Court: Do you want to make your offer for the record now?

Mr. Greenberg: Yes. May I introduce into evidence these three photostats?

[143] (Three photostats of pictures in a comic book were received in evidence and marked Plaintiffs' Exhibits 1, 1A and 1B respectively.)



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*Fredric Wertham—For Plaintiffs—Direct.*

Mr. Greenberg: And this comic book, *Jumbo Comics*.

(Copy of *Jumbo Comics*, number 153, November, was received in evidence and marked "Plaintiffs' Exhibit 2".)

The Court: With no objection they are admitted.

*By Mr. Greenberg.*

Q. Dr. Wertham, is it your point that school segregation merely reinforces and adopts in the name of the State the race prejudice which a child learns in his everyday living?

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A. No, I go much further than that. You see, after all the children read that, and they are there indoctrinated with the fact that you can do all kinds of things to colored races. Now, the school problem partly, as you say, reinforces that, but it is very much more, because after all these commercial people who sell these things to children do so to make money. The State does it as acting morally. The State demands of an adult, and the child looks up to him as an ethical authority, to bring him up and teach to him what is right—not only to entertain him but to direct him. So that the State really stabs very much deeper than these things do. I only brought these things here to show that of course children don't grow [144] up wrapped in cellophane, and the school system does not exist in a vacuum. For us it has to be understood. For that reason segregation in schools assumes very much greater importance in these children's minds than it would in these comic books. That is only one example, but I couldn't bring a drug store here to show that they are not admitted to it, so I brought a comic book.

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There are a few more comments that I want to make with regard to the public health issue. I think part of safeguarding the child's health is education. Education is not only to teach him things, but part of education is to



keep a child healthy—mental health, I mean now. That consists of two parts: Not only that we teach the child something, the acquisition of skills and knowledge and the acquisition of moral concepts and social concepts, but also to ward off harmful influences. Education consists also of trying to teach children to keep away from things that harm them.

Now, that is almost nullified psychologically, if the State does the worst thing itself: Ruins the child in its self realization and the contact with the group in a larger sense with which it is to live.

Now I would like to express my opinions about the white children. I think one can express that very simply. I [145] think to the extent that these white children identify themselves with Negro children, to that extent the effects are absolutely the same, namely the effects that I have described. They may be very much less. Psychologically speaking the effects are not only similar, but they are identical.

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Now, the effect of white children identifying themselves with Negro children may not be so very generally known, but we have found that over and over again. I would like to give an example. If we drive along the road in a car and we run over a rabbit, it makes us feel bad, because we identify ourselves with the rabbit. Consciously we may not admit that, but unconsciously that is what we are doing, so it is not so unheard-of when I say that many white children at different ages spontaneously identify themselves with these Negro children and feel more or less the same way about it as they do, especially in these certain bad effects.

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Now, as for the ones who do not identify themselves with Negro children through various—I call them accidental reasons—for them it creates an illusion of superiority. And the difficulty about that is, where does the reality end and where does the illusion begin?



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*Fredric Wertham—For Plaintiffs—Direct.*

How is this child, when he becomes an adolescent, even—how is he to find his way ethically in the world if he has [146] been indoctrinated with the illusion of superiority? He inevitably comes into situations where somehow or other his equilibrium will be disturbed and certainly a normal and healthy and correct development will be disturbed.

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I can sum up my opinion in this way: Segregation in schools legally decreed by statute, as in the State of Delaware, interferes with the healthy development of children. It doesn't necessarily cause an emotional disorder in every child. I compare that with the disease of tuberculosis. In New York thousands of people have the tubercle bacilli in their lungs—hundreds of thousands—and they don't get tuberculosis. But they do have the germ of illness in them at one time or another, and the fact that hundreds of them don't develop tuberculosis doesn't make me say, "Never mind the tubercle bacillus; it doesn't harm people, so let it go."

So this is the summary of my statement: Segregation is potentially injurious to the mental health of these children, and it is therefore a negative health factor. That is why I answered your hypothetical question the way I did.

Mr. Greenberg: Thank you, Doctor.

The Witness: I have only one more question. I don't know whether you want that.

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When we asked these children, we gave them a chance [147] to express themselves about all kinds of things, and to me the words of the child if properly elicited—which we were equipped to do there, especially since several of them were there at the time and no one could inject anything into the child's mind—are very revealing, and if you want me to or if it is permissible I could give some actual quotations of what children have said and how we interpreted it.



*By Mr. Greenberg.*

Q. Would you give that, Doctor? A. For instance, one adolescent Negro girl said, "I haven't been around the white kids; I would like to get used to them." I think the very fact she said, "I would like to get used to them" indicates some of the emotional conflict that is caused in these children. It is illustrated by another quotation. One child said, "The teacher tries to keep us associating with white people."

Now, here you have real social inequality externalized. The teacher says "Associate with white people", and the State says "Segregation". We could rationalize; we as plain Americans can do that. But the child can't do that because he has a, may I say, more realistic logic. 278

Now, this same child quotes—no, this is another child, a boy, and also an adolescent, who quotes, he says, [148] "One of my white football friends said it would be good for us to mix together in school, because it would make things better in the world for everyone."

This same boy—and I am saying that as an illustration of confusion in this child's mind—says, "In New Castle we live mixed up." You can say "mixed schools", or "mixed environment"; but he said "mixed up". This is not merely verbal—he says "mixed up", not "mixed". It shows even on a verbal level what confusion is caused in these children.

Also, "I have felt funny when my white friends left me going to school. I go two miles; they go a couple of blocks." 279

And then they give various forms of discrimination in the community, but I have generalized that.

I want to give an example of a thirteen year old Negro girl to show how easily human relationships in general are disturbed, and I want to say again that I am not calling attention to that because it is unpleasant, but because it is unhealthy. This child said, "When you stay with the white people, they look at you so hard."



280.

*Fredric Wertham—For Plaintiffs—Direct.*

I want to mention another young colored boy who had a comic book with him, which was *Super-Boy*, showing you overcompensation which we ascribed to these children. It is a very unpleasant concept for an adult, as evinced in Central [149] Europe, but this boy had this book with him. This boy was impressed with the fact that he had to travel twenty-two miles a day to go to school and had to walk half a mile to get to the bus. He says that white children sometimes stick their tongues out—I don't have to give it verbally. He made this remark about the general situation: "If we went to the same school, gradually the white children would come to be friends with us. They don't come into contact with us. After all they don't know about us and we don't know about them."

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I found again and again these children don't know what segregation in schools means, or the reasons why, or really what it is. For instance one boy seven years old gives this: I said, "What is this?"

And he said, "'Segregate' means separate but not equal." Now, that's almost correct, but another child said, "If white and colored children were permitted to attend classes together they would learn to appreciate and accept each other."

Of course the inference is if they don't go to the same school they not only do not appreciate each other but they don't accept each other.

One child said, and I believe exactly that myself—  
282 [150] this is a Negro adolescent, a girl: "It would be good for Negroes to mingle so when they grow up they will know how to act." But "To know how to act" means to me "to be healthy".

This same boy said this: "If I have to go to segregated schools all the time I won't know how to react to different people in life. In life you have to associate with different people, and if you haven't any such experience, you feel



different, feel that people are watching you, making fun of you, that you have to be careful about what you say and how to act. Seems you don't have a chance to act normal, natural."

Another colored girl told us, "I don't particularly want to mingle with the white people since they have been prejudiced so long."

She enlarged on what happens in school, the differences, and what happened to her otherwise, and she gave us this example of what happens outside school. She says, "During the summer I asked for a job, and they told me they don't have colored dishwashers."

I am not a sociologist, but I understand that dishwashing is about the lowest rated occupation there is. 284

Then I have a remark about the "plain people" and the "foreigners" and all these different groups. This girl doesn't [151] refer to white and colored—some people are white, some people are Italians, some people are something else. Now, this is an intelligent girl.

One girl says, "I don't care if I go to a white school or not, but I am thinking of those coming after me, so that they can get a better education and be treated as equals."

I am quoting that not for the emotional appeal, which it undoubtedly has, but as an ethical problem in these children's minds, if we continuously destroy their own ethical development by an act of Government.

This is one child who said that the teachers don't like Negroes in a school with the whites, and he said he learned that in history class, and I said, "How can you make that statement?" 285

And he said, "Well, he doesn't talk about them with much respect."

So you see this segregation in schools, as I look at it as a psychiatrist, is imbedded with many things outside of school, and reciprocally affects most Negro children.



Here is a nine year old non-Negro girl, and I said, "Why didn't you participate in the discussion?"

And she said, quote, "I care a lot about it myself." And she told us an example and I give that to show only what [152] is going on in a child's mind, and of course you can't prevent them from getting in contact with non-Negro children, and she told us in a group that there are movies where Negro children can't go, and she had a young colored friend who was the daughter of a woman employed in her family, and she said, "I went to a movie with a Negro friend \* \* \*"—that means a movie only for Negroes—and she said, "I went in and saw the picture—and nothing happened!"

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That was a great miracle to her. She went to a movie and saw the picture and nothing happened. That is the most terrific thing she had ever done.

Then this same child told us this about class. She speaks of the boys and girls in her class as kids. "The kids, the boys, they want to tie them up."

And I said, "What do you mean tie them up?"

And she did this (indicating), putting her hands behind her back—" \* \* \* and make them work. The boys say that the Negroes should work and we should play. I guess they get that from the comic books, but I don't think that's true. The boys want us to play, and they should work while we are playing. They shouldn't be tied up always, but they should work." This is a girl in a separate Negro school describing for us what other children think, and I think you have to take [153] that into account if you want to understand whether the Negro child's mind in a segregated school has a chance to function normally or not normally.

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Now, the same girl, and this is the last statement I shall quote here, says, "People don't care. They don't think about others, they just think about themselves, so they think they are better than the Negro." And I want to identify myself with the statement of this girl.



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*Fredric Wertham—For Plaintiffs—Direct.*

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*By Mr. Greenberg.*

Q. Dr. Wertham, your explanation has been rather lengthy. Could you in a few words summarize the explanation that you have given for your answer? Just give me a rather brief summary. A. Yes, I would say that in a society where Negro children are exposed to various kinds of discrimination and in which their parents are exposed to various kinds of discrimination, the fact that the State decrees that the education of non-Negro and Negro children has to take place in different places constitutes a definite injury to the mental health of many Negro children and a potential health hazard for all children.

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\* \* \* \* \*

[202] ELLIS O. KNOX, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

*Direct examination by Mr. Redding.*

\* \* \* \* \*

[203] Q. How long have you been Professor of Education at Howard University? A. Twenty-one years.

Q. Had you any teaching experience prior to that time?

A. Yes, teaching experience in Texas, Arizona, California.

Q. What was the formal training which you had in preparation for teaching, doctor? A. An A.B. degree from the University of California. The A.M. degree and Ph.D. from the University of Southern California. Graduate work at Columbia University, Ohio State University, University of Chicago, and University of Colorado.

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Q. Dr. Knox, to what professional societies do you belong? A. The National Education Association, the American Association of School Administration, National Association of Philosophy of Education, the American Educational Association.